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No. 01-10873

SUPREME COURT OF THE UNITED STATES

October Term, 2001

KHANH PHUONG NGUYEN,

Petitioner,

vs.

UNITED STATES OF AMERICA, et al.,

Respondents.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

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SUPREME COURT, U.S.

SUPPLEMENTAL BRIEF

HOWARD TRAPP

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Counsel of record for petitioner

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SUPPLEMENTAL BRIEF

Petitioner, Khanh Phuong Nguyen ("Nguyen"), respectfully invites the Court's attention to an intervening matter not applicable on the date on which she filed her petition for a writ of certiorari.

The petition in the present case was filed on May 29, 2002. It presents the question, "Was the Ninth Circuit's judgment vitiated by the participation of a non-Art. III judge?" (Pet. at i.) Since then the Court has received three more petitions presenting the identical issue.

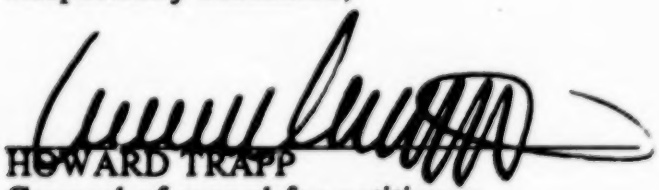
Duplicate petitions, each entitled Tuyet Mai Thi Phan vs. United States, Nos. 02-5034 and 02-5299 in this Court, were filed by the petitioner therein on June 18, 2002, and by appointed counsel on June 20, 2002, respectively. Each presents the question, "Was the Ninth Circuit's judgment vitiated by the participation of a non-Art. III judge?" (Pet. at i.)

Another petition, one entitled Meredith Oden vs. Northern Marianas College, No. 01-1865 in this Court, was filed on June 20, 2002. The latter presents the question "[w]hether the Ninth Circuit's judgment should be vacated due to the participation of a non-Art. III judge." (Pet. at i.)

Dated, Hagåtña, Guam,

July 24, 2002.

Respectfully submitted,



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DECLARATION OF SERVICE OF SUPPLEMENTAL BRIEF

I, Charlene C. Cruz, declare that I am a secretary employed in the office of Howard Trapp, Esq., counsel of record for petitioner herein, and that on July 25, 2002, a copy of the supplemental brief which accompanies this declaration

was mailed, by depositing it with the United States Postal Service at Hagåtña, Guam, with first-class postage prepaid, to each of the following:

1. The Honorable Theodore Bevry Olson, Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530-0001, telephone (202) 514-2217, counsel for respondent United States of America in the above-entitled case and in Tuyet Mai Thi Phan vs. United States, Nos. 02-5034 and 02-5299 in this Court;

2. Tuyet Mai Thi Phan, Reg. No. 01973-093, FCI Dublin, 8th Street Camp Parks, Dublin, CA 94568, telephone (925) 833-7500, one of the respondents in the above-entitled case and the petitioner in Tuyet Mai Thi Phan vs. United States, No. 02-5034 in this Court;

3. Rawlen M. Mantanona, Esq., Suite 601B, GCIC Building, 414 West Soledad Avenue, Hagåtña, GU 96910, telephone (671) 472-3666, counsel for petitioner, Tuyet Mai Thi Phan, in Tuyet Mai Thi Phan vs. United States, No. 02-5299 in this Court;

4. Douglas F. Cushnie, Esq., P.O. Box 500949, Saipan, MP 96950, telephone (670) 234-6843, counsel for petitioner, Meredith Oden, in Meredith Oden vs. Northern Marianas College, No. 01-1865 in this Court; and

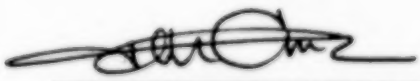
5. F. Matthew Smith, Esq., P.O. Box 501309, Saipan, MP 96950,

telephone (670) 234-7455, counsel for respondent, Northern Marianas College, in Meredith Oden vs. Northern Marianas College, No. 01-1865 in this Court.

I further declare that all parties required to be served have been served

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 25, 2002, at Hagâtña, Guam.



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July 24, 2002

The Honorable William K. Suter
Clerk of Court
Supreme Court of the United States
United States Supreme Court Bldg.
1 First Street, N.E.
Washington, DC 20543

Re: Khanh Phuong Nguyen vs. United States of America, et al.,
No. 01-10873, Supreme Court of the United States

My dear Sir:

I beg to enclose an original and 10 copies of each of the following:

1. Supplemental Brief; and

2. Declaration of Service of Supplemental Brief.

Faithfully yours,

HOWARD TRAPP

HT:ccc

(LETTERS\HT\WSuter2)

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